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ESTATE OF FRANK CARSON; GEORGIA DEFILIPPO; CHRISTINA DEFILIPPO; &
EDUARDO QUINTANAR, JR.

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Attorneys for Plaintiffs

BALJIT ATHWAL, DALJIT ATWAL, WALTER W. WELLS
and SCOTT McFARLANE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ESTATE OF FRANK CARSON AND
GEORGIA DEFILIPPO, as an individual
and as successor in interest to FRANK
CARSON,

Plaintiffs,

vs.

COUNTY OF STANISLAUS, CITY OF
MODESTO, BIRGIT FLADAGER,
MARLISSA FERREIRA, DAVID HARRIS;

Case No. 1:20-CV-00747-TLN-BAM

**JOINT STIPULATION AND ORDER TO
CONTINUE AMENDED COMPLAINT
FILING DATE**

Related to:

1:15-cv-00311-TLN-BAM (Athwal)
1:20-cv-00770-TLN-BAM (Wells)

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1	KIRK BUNCH, STEVE JACOBSON, JON	
2	EVERS, CORY BROWN, and DOES 1-25,	
3	inclusive,	
4	Defendants.	
5	GEORGIA DEFILIPPO AND CHRISTINA	Case No. 1:18-cv-00496-TLN-BAM
6	DEFILIPPO,	
7	Plaintiffs,	
8	vs.	
9	COUNTY OF STANISLAUS, ET AL.	
10	Defendants.	
11	EDUARDO QUINTANAR, JR.,	Case No. 1:18-cv-01403-TLN-BAM
12	Plaintiffs,	
13	vs.	
14	COUNTY OF STANISLAUS, ET AL.	
15	Defendants.	
16	BALJIT ATHWAL and DALJIT ATWAL,	Case No. 1:15-cv-00311-TLN-BAM
17	Plaintiffs,	
18	vs.	
19	COUNTY OF STANILSAUS; CITY OF	
20	TURLOCK; CITY OF MODESTO; CITY	
21	OF CERES; STANISLAUS COUNTY	
22	OFFICE OF THE DISTRICT ATTORNEY;	
23	KIRK BUNCH; JON EVERS; TIMOTHY	
24	REDD; DALE LINGERFELT; STEVE	
25	JACOBSON; BIRGIT FLADAGER;	
26	GALEN CARROLL; PAUL EDWARD	
27	JONES	
28	Defendants.	
STIP. AND ORDER TO CONT. AMENDED		
COMPLAINT FILING DATE		
2		

WALTER W. WELLS and SCOTT
MCFARLANE

Plaintiffs,

vs.

COUNTY OF STANISLAUS, ET AL.

Defendants.

Case No. 1:20-cv-00770-TLN-BAM

Plaintiffs ESTATE OF FRANK CARSON; GEORGIA DEFILIPPO; CHRISTINA DEFILIPPO; EDUARDO QUINTANAR, JR.; BALJIT ATHWAL; DALJIT ATHWAL; KARAN INC. dba POP-N-CORK; WALTER WELLS; SCOTT MCFARLANE (“Plaintiffs”); and defendants COUNTY OF STANISLAUS; CITY OF MODESTO; CITY OF TURLOCK; CITY OF CERES; STANISLAUS COUNTY OFFICE OF THE DISTRICT ATTORNEY; BIRGIT FLADAGER; MARLISSA FERREIRA; DAVID HARRIS; KIRK BUNCH; STEVE JACOBSON; CORY BROWN; JON EVERS; TIMOTHY REDD; DALE LINGERFELT; GALEN CARROL; FROLIAN MARISCAL; LLOYD MCKINNON; GREG JONES; KENNETH BARRINGER; GALEN CARROLL; FRANK NAVARRO; and TIMOTHY REDD (“Defendants”) through their respective counsel, hereby agree and stipulate as follows:

1. WHEREAS on September 29, 2021, the Honorable Judge Nunley dismissed plaintiffs’ complaints with leave to file an amended complaint within 30 days;
2. WHEREAS Plaintiffs’ amended complaint is presently due for filing on October 28, 2021;
3. WHEREAS the Honorable Judge Nunley issued the order to dismiss with leave to amend while counsel for Plaintiffs CARSON, the DEFILIPPOES and QUINTANAR were engaged in a month-long trial;
4. WHEREAS Jayme L. Walker, the lead attorney for Plaintiffs CARSON; the DEFILIPPOES; and QUINTANAR, is currently on maternity leave;
5. WHEREAS Plaintiffs’ law firm has a conflicting filing deadline pertaining to a writ of mandamus in another action;

6. All parties agree that the deadline for filing the Amended Complaint be continued to November 18, 2021;

7. Defendants' responsive pleading shall be filed no later than 30 days after service of the plaintiffs' Amended Complaint.

IT IS SO STIPULATED.

DATE: October 25, 2021

GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER

/s/ Angelina M. Austin

J. Gary Gwilliam
Randall E. Strauss
Jayme L. Walker
Angelina M. Austin
Attorneys for Plaintiffs
ESTATE OF FRANK CARSON , GEORGIA
DEFILIPPO, CHRISTINA DEFILIPPO AND
EDUARDO QUINTANAR, JR.

DATE: October 25, 2021

MORRISON & FOERSTER LLP

*/s/ Arturo Gonzales **

Arturo Gonzalez
Attorney for Plaintiffs
BALJIT ATHWAL, NAVNEED ATHWAL, DALJIT
ATWAL, KARAN INC., DBA POP-N-CORK,
WALTER WELLS AND SCOTT MCFARLANE

///

DATE: October 25, 2021

PORTER SCOTT
A PROFESSIONAL CORPORATION

*/s/ John R. Whitefleet **

John R. Whitefleet
Attorneys for Defendants
COUNTY OF STANISLAUS, STANISLAUS
COUNTY OFFICE OF THE DISTRICT
ATTORNEY, BIRGIT FLADAGER, MARLISSA
FERRIERA, DAVID HARRIS, KIRK BUNCH,

STEVE JACOBSON, CORY BROWN, DALE
LINGERFELT, FROLIAN MARISCAL, LLOYD
MACKINNON, GREG JONES, KENNETH
BARRINGER

DATE: October 25, 2021

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP

*/s/ Patrick Moriarty **

John B. Robinson
Patrick Moriarty
Attorneys for Defendants
CITY OF MODESTO, JON EVERS, AND GALEN
CARROLL

DATE: October 25, 2021

ARATA SWINGLE VAN EGMOND & HEITLINGER

*/s/ Bradley J. Swingle **

Bradley J. Swingle
Attorneys for Defendants
CITY OF TURLOCK, CITY OF CERES, FRANK
NAVARRO, AND TIMOTHY REDD

** Parties have consented to use of their electronic signature.*

ORDER

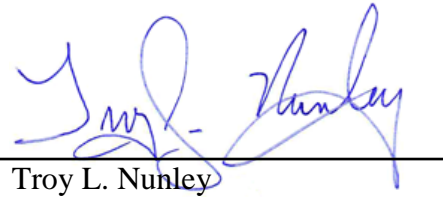
Pursuant to the stipulation of the parties:

1. The deadline for Plaintiffs to file an Amended Complaint is continued to November 18, 2021.

2. The Defendants' responsive pleading shall be filed no later than 30 days after service of the plaintiffs' Amended Complaint.

1 **IT IS SO ORDERED.**

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3 Dated: October 26, 2021

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Troy L. Nunley
United States District Judge